IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1458 of 2006

In

First Appeal No.923 of 1987

Ashok Mukundrao Ambedkar .. Applicant

V/s

Smt.Meeratai Y. Ambedkar and Ors..Respondents

Shri S.A.Sawant i/b B.K.Barve and Co. for Applicant

Shri Y.M.Nakhwa AGP for Respondent no.2

Mr.Prakash Ambedkar for D.S.Sakhalkar for Respondent no.1

CORAM:S.R.SATHE,J.

DATED:26th April 2006

P.C. :-

1. Heard both the learned Advocates. Perused the papers.

2. So far as earlier application bearing C.A.No. in First Appeal No.923 of 1987 has been disposed of by order dated 1-3-2006 holding that the said application is not made by proper person.

3. So far as the present application is concerned, the

same is affirmed by original applicant. The matter was dismissed for non supply of paper book charges. Though there is delay in filing application for setting aside that order, it is very clear that it is dismissed on technical ground and in order to do substantial justice in the matter it is necessary to set aside the order and restore the first appeal. Hence the first appeal is restored subject to payment of cost of Rs.2,000/- to the Respondent. Cost to be paid within 10 days from today. If the Applicant fails to deposit the cost, the application shall automatically stand dismissed for want of prosecution.

4. The interim order regarding status quo is to continue till then.

(S.R.SATHE,J.)